

## **ORDINANCE NO. 2016 - \_\_\_\_**

### **CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS**

#### **AN ORDINANCE AMENDING THE PLANNING AND ZONING FEES TO BE CHARGED BY THE CITY OF CAVE SPRINGS, ARKANSAS, AND DECLARING AN EMERGENCY.**

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**WHEREAS**, pursuant to Arkansas Code Annotated § Title 14 Chapter 56 Section 404 et seq., as amended, to revise the existing Ordinance no. 2007-04 establishing Planning and Zoning Fees to be charged by the City of Cave Springs, Benton County, Arkansas; and

**WHEREAS**, on January 11, 2010, the Cave Springs City Council adopted Ordinance no. 2010-03 amending the adopted and established Subdivision Regulations for the City of Cave Springs and on November 19, 2012, the Cave Springs City Council adopted Ordinance no. 2012-09 approving, adopting and establishing the Planning and Zoning Regulations for the City of Cave Springs; and

**WHEREAS**, the Cave Springs City Council has enacted various other ordinances and regulations concerning development, planning and zoning with the City of Cave Springs, and in connection therewith certain fees and charges have been established in relation to various planning and zoning activities; and

**WHEREAS**, this Ordinance no. 2016 - \_\_\_\_ amends the established Planning and Zoning Fees to be charged by the City of Cave Springs, Arkansas, specifically the Schedule of Fees in both the Subdivision Regulations for the City of Cave Springs and the Planning and Zoning Regulations for the City of Cave Springs; and

**WHEREAS**, at a regular meeting on June 7<sup>th</sup> 2016, the Cave Springs Planning Commission unanimously voted to recommend APPROVAL to the City Council of Cave Springs of the proposed amendment to Planning and Zoning Fees to be charged by the City of Cave Springs, Benton County, Arkansas; and

**WHEREAS**, having fully reviewed the proposed amendment, recommended by the Cave Springs Planning Commission unanimously, the Cave Springs City Council as determined that Planning and Zoning Fees to be charged by the City of Cave Springs, Benton County, Arkansas should be revised and amended in its entirety, as set forth herein below.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** that the City Council of Cave Springs does hereby amend the Planning and Zoning Fees to be charged by the City of Cave Springs, Benton County, Arkansas as follows:

**SECTION 1.** Section 2-5. Schedule of Fees of Ordinance no. 2010-03 Subdivision Regulations for the City of Cave Springs, all fees associated with Ordinance no. 2012-09 the Planning and Zoning Regulations for the City of Cave Springs and for other purposes as hereby amended to read as follows:

## Section 2-5. Schedule of Fees:

Effective as of June 14, 2016, fees in connection with various Planning and Zoning matters shall be charged by the City of Cave Springs as set forth as follows:

- 1) Preliminary Plat – For each Preliminary Plat submitted, the City shall collect a fee of \$250.00 plus \$5.00 per lot up to 50 lots; 50 lots to 100 lots \$1,875.00; Over 100 lots \$1,875.00 or \$25.00 per lot, whichever is greater, to a maximum of \$3,000.00.
- 2) Final Plat – For each Final Plat submitted, the City shall collect a fee of \$300.00 (a Minor Subdivision Plat is considered a Final Plat).
- 3) Re-Plat – For each Re-Plat submitted, the City shall collect a fee of \$400.00.
- 4) Conditional Use – For each Conditional Use ~~Permit~~ request, the City shall collect a fee of ~~\$30~~150.00 plus all applicable notification costs.
- 5) Variance – For each Variance request, the City shall collect a fee of ~~\$75~~150.00 plus all applicable notification costs.
- 6) Planning and Zoning Regulations (copies) – For each copy of the Planning and Zoning Regulations, the City shall collect a fee of \$25.00
- 7) Subdivision Regulations (copies) - For each copy of the Subdivision Regulations, the City shall collect a fee of \$25.00
- 8) Water Regulations (copies) - For each copy of the Subdivision Regulations, the City shall collect a fee of \$25.00
- 9) Pressure Sewer System Regulations (copies) – For each copy of the Pressure Sewer System Regulations, the City shall collect a fee of \$25.00
- 10) Rezone - For each request to Rezone, in the following Zoning Districts, A-1, R-E, R-1, R-2, R-3, the City shall collect a fee of ~~\$3~~200.00 plus all applicable notification costs. For each request to Rezone, in the following Zoning Districts, C-1, C-2, C-3, I-1, I-2, the City shall collect a fee of \$300.00 plus all applicable notification costs.
- 11) Appeal of Planning Commission Decision – For each appeal of a decision of the Planning Commission submitted, the City shall collect a fee of \$200.00.
- 12) Appeal of Official Decision – For each appeal of official decision submitted, the City shall collect a fee of \$200.00.
- 13) Certificate of Zoning Compliance – For each Certificate of Zoning Compliance request submitted, the City shall collect a fee of \$50.00.
- 14) Drainage Review – For each Drainage Review submitted, the City shall collect a fee of \$150.00.
- 15) Grading Permit – For each Grading Permit submitted, the City shall collect a fee of \$50.00

- 16) Lot-Split – For each plat submittal relating to a Lot-Split, the City shall collect a fee of \$150.00 plus all applicable recording costs.
- 17) Revisions of Plat – Each revised plat submitted shall be regarded ~~ing~~ as a new plat and shall be subject to the appropriate fees as required within this Ordinance.
- 18) Engineering Fees – the City reserves the right to retain a disinterested engineer for advise and review purposes concerning any plans submitted. The developer/owner/applicant shall be responsible for any and all related engineering expenses incurred by the City as result.
- 19) Transfer of Fees- Fees are not transferable or refundable. The City reserves the right to apply prepaid fees to certain Lot-Splits, Sketch Plans or Plat Revisions provided that the revised portions of said Lot-Splits, Sketch Plans or Plats have not been reviewed prior to the submittal of the revisions.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 4.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion if this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**SECTION 5.** Declaration of Emergency. It is hereby found and determined that the Planning and Zoning Fees to be charged by the City of Cave Springs, Benton County, Arkansas should be immediately amended. Therefore, an emergency is declared to exist, and this Ordinance being immediately necessary to insure the proper growth and development of the City and for the preservation of the public peace, health, safety and welfare of the citizens of Cave Springs, Arkansas shall become effective immediately from and after the date of its passage, to take effect as provided by the terms of this Ordinance. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

**PASSED AND APPROVED** this \_\_\_\_ day of June, 2016:

**APPROVED:**

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Travis Lee, Mayor

**ATTEST:**

Ordinance 2016-\_\_\_\_

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Kimberly Hutcheson, City Recorder